

**Court of Appeals, State of Michigan**

**ORDER**

**Derrick Lee Cardello Smith v Wayne Circuit Court Judge**

Docket No.   **355696**

LC No.       **19-005320-AH**

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Michael F. Gadola, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees.

Within 21 days after the date of this order, appellant shall pay to the Clerk of the Court the entry fee of \$375 because the 12-month prisoner account statement shows that 50 percent of the average monthly deposit to his prisoner account exceeds that amount. See MCL 600.2963(3). Additionally, **appellant shall submit a copy of this order and refile the pleadings with the payment.** Failure to comply with this order will result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee.

The Clerk of this Court shall furnish two copies of this order to appellant and return appellant's pleadings with this order.



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A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

February 2, 2021  
Date

  
Chief Clerk